

Message Text

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R 111612Z MAR 77
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC 2753
INFO AMCONSUL MONTREAL
ALL OTHER CONSULATES IN CANADA (BY POUCH)

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E.O. 11652: N/A
TAGS: ETEL, PINT, CA
SUBJECT: INVESTIGATION OF CBC'S ALLEGED PRO-SEPARATISM

1. SUMMARY: PRIME MINISTER TRUDEAU HAS ASKED THE CRTC
TO UNDERTAKE AN INVESTIGATION OF PRO-SEPARATISM SENTIMENT
ON THE PART OF CBC FRENCH LANGUAGE NEWS AND PUBLIC AFFAIRS
PROGRAMMING. CRTC WILL DO SO, BUT WILL NOT ANNOUNCE TERMS
OF REFERENCE UNTIL PROBABLY WEEK OF MARCH 14. A REPORT
IS REQUESTED AND EXPECTED BY JULY 1. END SUMMARY.

2. THE CANADIAN BROADCASTING CORPORATION (CBC) IS MANDATED
BY LAW, INTER ALIA, TO "CONTRIBUTE TO THE DEVELOPMENT OF
NATIONAL UNITY." FOR WEEKS GOC CABINET MINISTERS AND
LIBERAL BACKBENCHERS HAVE BEEN HURLING PUBLIC ALLEGATIONS
THAT THE CBC'S FRENCH SECTION -- RADIO CANADA -- HAS A
STRONG PRO-SEPARATIST BIAS. PRIME MINISTER TRUDEAU,
ACCORDINGLY, HAS "INVITED" A COMPREHENSIVE INVESTIGATION
BY THE CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS
COMMISSION (CRTC). IN LETTERS TO CRTC CHAIRMAN HARRY
BOYLE ASKING FOR A REPORT TO BE SUBMITTED BY JULY 1,
TRUDEAU REFERRED TO DOUBTS AS TO WHETHER THE CBC'S ENGLISH
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AND FRENCH TELEVISION AND RADIO NETWORKS -- PARTICULARLY
PUBLIC AFFAIRS, INFORMATION AND NEWS PROGRAMMING -- ARE
"FULFILLING THE MANDATE OF THE CORPORATION." CRTC ACCEPTED
THIS INVITATION ON MARCH 8 BUT DECLINED TO SPECIFY
IMMEDIATELY THE TERMS OF REFERENCE AND THE MANNER IN WHICH
THE INQUIRY WILL BE CONDUCTED.

3. CBC IS NOT OPPOSING THE CRTC INVESTIGATION, BUT IT HAS REFRAINED FROM A POSITIVE ENDORSEMENT AND STATEMENT OF COOPERATION UNTIL THE SPECIFIC TERMS OF REFERENCE ARE KNOWN. IN A MARCH 4 NEWS RELEASE, ITS PRESIDENT, AL JOHNSON, SAID: "THE CBC BOARD OF DIRECTORS IS ANXIOUS TO REMOVE THE DOUBTS WHICH RECENTLY HAVE BEEN RAISED ABOUT THE CBC, ESPECIALLY IN ITS NEWS AND CURRENT AFFAIRS PROGRAMMING." HE NOTED "THAT THE CBC HAS ALWAYS SOUGHT TO FOLLOW THE HIGHEST JOURNALISTIC STANDARDS WHICH ARE CONSTANTLY UNDER REVIEW" AND "THE CANADIAN PUBLIC MAY JUDGE THESE STANDARDS FOR THEMSELVES." DURING A MARCH 8 NEWSCAST, JOHNSON ADDED THAT HE HOPED THE CRTC INVESTIGATION WILL REMOVE THE "CLOUD OF SUSPICION" HANGING OVER THE CBC."

4. A CRTC EXECUTIVE TOLD TCO MARCH 8 THE TRUDEAU REQUEST CAME AS A SURPRISE. THERE IS NO DIRECTLY RELEVANT PRECEDENT FOR SUCH AN INVESTIGATION BY THE COMMISSION, HE SAID, AND THE MEMBERS AS WELL AS SENIOR STAFF ARE NOT PRESENTLY CERTAIN AS TO HOW THEY SHOULD PROCEED. SOME KIND OF A REPORT WILL BE MADE BY JULY 1, HE OBSERVED, BUT HOW CONCLUSIVE A ONE REMAINS TO BE SEEN. THE CRTC WILL NOT DETERMINE AT LEAST UNTIL THE WEEK OF MARCH 14 WHAT IS THE LIKELY SCOPE OF ITS INVESTIGATION AND WHAT CRITERIA WILL BE EMPLOYED TO JUDGE THE CBC. EVEN THE NATURE OF THE EVIDENCE IT WILL CONSIDER HAS NOT YET BEEN DETERMINED, SOURCE ADDED; FOR EXAMPLE, IT IS NOT KNOWN WHETHER THERE IS AN ADEQUATE COLLECTION OF VIDEO TAPES OR VOICE TAPES OF THE BROADCASTS IN QUESTION, OR WHETHER PRIMARY RELIANCE WILL HAVE TO BE PLACED ON LIMITED OFFICIAL USE

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TESTIMONY BASED ON RECOLLECTIONS OF WHAT WAS SAID.

5. A CANADIAN ASSOCIATION OF BROADCASTERS (CAB) EXECUTIVE EMPHASIED TO TCO THE SAME DAY THE DIFFICULTIES THE CRTC WILL FACE IN CARRYING OUT THIS INQUIRY. HE POINTED OUT THAT CHARGES OF THIS NATURE HAVE BEEN COMMON FOR OVER TEN YEARS, BUT THEY ARE RARELY MADE IN SPECIFIC TERMS WHICH ENABLE A DOCUMENTARY RECORD TO BE COMPILED AND ASSESSED. AMONG THE FEW SPECIFIC ALLEGATIONS IN PRESENT CASE, HE POINTED OUT, IS ONE BY MONIQUE BEGIN (MINISTER OF NATIONAL REVENUE), WHO SUGGESTED RADIO-CANADA NEWSCASTERS RARELY REFER TO FRENCH "CANADIANS" BUT ALWAYS TO "QUEBECKERS," AN EMPHASIS SHE IMPLIED WAS SEPARATIST; BUT, HE NOTED, EASTERNERS ARE GENERALLY REFERRED TO AS MARITIMERS, AND NOT AS ATLANTIC CANADIANS, ON CBC AND ELSEWHERE, AND NO POLITICAL MOTIVATION IS ATTRIBUTED TO THIS. THE CAB SOURCE POINTED OUT THAT CRTC HAS A LIMITED BUT DEFINITE HISTORY OF INVESTIGATING BROADCAST CONTENT GOING BACK TO 1968, WHEN IT CONSIDERED CHARGES OF UNFAIRNESS IN

REPORTING ON POLLUTION BY AN ONTARIO INDUSTRIAL FIRM, AND
EXTENDING TO ITS CHASTISEMENT OF MONTREAL STATION CFCF TWO
WEEKS AGO FOR A PROGRAM OPPOSING QUEBEC'S LANGUAGE ACT OF
1976. AS A RESULT OF THESE INVESTIGATIONS, THE CRTC HAS
BUILT UP A SMALL STAFF OF CONTENT ANALYZERS, BUT THE
GROUND RULES UNDER WHICH THEY WORK ARE UNCLEAR.

6. COMMENT: DETERMINATION OF THE SPECIFIC CHARGES TO BE
INVESTIGATED WILL BE AN INTERESTING EXERCISE. A CBC RADIO
NEWS REPORT SUMMARIZED PAST CRTC PRACTICE AS HAVING BEEN
TO MAKE NO ALLEGATIONS OF ITS OWN, BUT TO DEPEND ON THOSE

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COMPLAINING TO MAKE THEIR OWN CASE. THE FOLLOWING
EXCERPT FROM A CP TICKER ITEM ILLUSTRATES WHAT MAY BE
ALLEGED. REFERRING TO TRUDEAU'S MARCH 3 PRESS CONFERENCE,
IT REPORTED TRUDEAU "COMPARED SEPARATISTS WITH ATHEISTS,
THOSE WHO DENY THE EXISTENCE OF GOD -- AND SAID THOSE WHO
KNOW THE CBC CLAIM THE 'OVERWHELMING MAJORITY' OF RADIO-
CANADA EMPLOYEES ARE SEPARATISTS. OTHER MINISTERS HAVE
MADE ALLEGATIONS OF BIAS, INCLUDING URBAN AFFAIRS MINISTER
ANDRE OUELLET AND TRADE MINISTER JEAN CHRETIEN. OUELLET
SAID HE HAD A LIST OF RADIO-CANADA SEPARATISTS BUT HAS
NOT DISCLOSED DETAILS. CHRETIEN BLAMED ANTI-FEDERALIST
PREJUDICE FOR RADIO-CANADA'S FAILURE TO PLAY 'O CANADA'
AT THE CLOSE OF DAILY BROADCASTING FOR THREE MONTHS AFTER
THE NOVEMBER 15 VICTORY OF THE SEPARATIST PARTI QUEBECOIS
IN QUEBEC ELECTIONS."

7. RELEVANT TO CRTCS INVESTIGATION ARE CERTAIN BROADLY
WORDED CLAUSES OF SECTION 3 OF THE 1968 BROADCASTING ACT
WHICH DECLARE AS THE BROADCASTING POLICY FOR CANADA:

(C) ALL PERSONS LICENSED TO CARRY ON BROADCASTING
UNDERTAKINGS HAVE A RESPONSIBILITY FOR PROGRAMS THEY
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BROADCAST BUT THE RIGHT TO FREEDOM OF EXPRESSION AND THE
RIGHT OF PERSONS TO RECEIVE PROGRAMS, SUBJECT ONLY TO
GENERALLY APPLICABLE STATUTES AND REGULATIONS, IS UN-
QUESTIONED;

(D) THE PROGRAMMING PROVIDED BY THE CANADIAN BROAD-
CASTING SYSTEM SHOULD BE VARIED AND COMPREHENSIVE AND
SHOULD PROVIDE REASONABLE, BALANCED OPPORTUNITY FOR THE
EXPRESSION OF DIFFERING VIEWS ON MATTERS OF PUBLIC CONCERN,
AND THE PROGRAMMING PROVIDED BY EACH BROAD-
CASTER SHOULD BE OF HIGH STANDARD, USING PREDOMINANTLY
CANADIAN CREATIVE AND OTHER RESOURCES;

(G) THE NATIONAL BROADCASTING SERVICE SHOULD

(I) BE A BALANCED SERVICE OF INFORMATION,
ENLIGHTENMENT AND ENTERTAINMENT FOR PEOPLE OF DIFFERENT
AGES, INTERESTS AND TASTES COVERING THE WHOLE RANGE OF
PROGRAMMING IN FAIR PROPORTION,

(II) BE EXTENDED TO ALL PARTS OF CANADA, AS
PUBLIC FUNDS BECOME AVAILABLE,

(III) BE IN ENGLISH AND FRENCH, SERVING THE
SPECIAL NEEDS OF GEOGRAPHIC REGIONS, AND ACTIVELY CON-
TRIBUTING TO THE FLOW AND EXCHANGE OF CULTURAL AND
REGIONAL INFORMATION AND ENTERTAINMENT, AND

(IV) CONTRIBUTE TO THE DEVELOPMENT OF NATIONAL
UNITY AND PROVIDE FOR A CONTINUING EXPRESSION OF CANADIAN
IDENTITY;

(NOTE: THE TERM "CANADIAN BROADCASTING SYSTEM" EMBRACES
BOTH THE CBC AND THE PRIVATE SECTOR, WHEREAS THE "NATIONAL
BROADCASTING SERVICE" APPLIES TO THE CBC ALONE.)

8. THE FREE SPEECH AND PRESS GUARANTEES OF THE CANADIAN
BILL OF RIGHTS (A 1970 STATUTE) WILL PROBABLY BE STRONGLY
EMPHASIZED BY THE SUBJECTS OF THE INVESTIGATIONS,
ESPECIALLY WHEN THE REPORTS OF INDIVIDUAL JOURNALISTS ARE
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QUESTIONED. INDEED, THE RELEVANCE OF THESE GUARANTEES IS ALREADY BEING PROCLAIMED BY THE PRESS, INCLUDING THOSE NOT DIRECTLY INVOLVED. SINCE THERE IS NO SUGGESTION OF POSSIBLE CRIMINAL ACTIVITY, IT IS NOT CLEAR WHETHER THE COURTS WILL BECOME INVOLVED IN ISSUES RELATING TO THE INVESTIGATION. HOWEVER, OPPORTUNITIES MAY WELL EXIST FOR LEGAL ASSERTIONS THAT IT IMPINGES UPON THE BILL OF RIGHTS. IN THIS CONNECTION, IT SHOULD BE NOTED THAT CLAUSE 2 OF THE BILL OF RIGHTS SUBORDINATES ALL OTHER LEGISLATION (WHICH DOES NOT CONTAIN A SUPREMACY CLAUSE) TO THE PROCLAIMED FREEDOMS. NO SUPREMACY CLAUSE HAS BEEN ADDED TO THE BROADCASTING ACT.

9. INQUIRY HAS STRONG POTENTIALITIES FOR BECOMING A MAJOR CIRCUS WITH BOTH LEGAL AND POLITICAL ASPECTS. ALREADY THE INQUIRY HAS BECOME THE SUBJECT OF PARTY POLITICAL ATTACK IN OTTAWA. IN PARLIAMENT ON MARCH 8 OPPOSITION LEADER CLARK (P.C.) CHALLENGED TRUDEAU TO INSIST THAT HIS MINISTERS BE SPECIFIC ABOUT THEIR ALLEGATIONS: "HE (TRUDEAU) REFUSES TO HAVE INQUIRIES INTO OTHER MATTERS UNLESS SPECIFIC CHARGES ARE MADE IN THE HOUSE, YET PROCEEDS IN THE CASE OF RADIO-CANADA TO HAVE AN INQUIRY UNDERTAKEN WITHOUT SPECIFIC CHARGES." THE MATTER WAS ALSO RAISED BY NDP LEADER BROADBENT WHO ASKED WHY CRTC WAS ASKED TO INVESTIGATE ALLEGATIONS OF "WRONG DOING." THIS LED TRUDEAU TO INSIST THAT NO QUESTION OF ILLEGALITY WAS INVOLVED; HE APPEARED TO BE LIKENING THE INQUIRY TO A MANAGEMENT ASSESSMENT OF THE CBC IN TERMS OF ITS STATUTORY "GENERAL OBJECTIVES." IT MAY BE EXPECTED THAT PARTY HARANGUING ON THE ISSUE WILL CONTINUE

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AND THAT MANY JOURNALISTS WILL TAKE UP THE FRAY WITH DENUNCIATIONS OF THE PROCESS. HOWEVER, AT LEAST SOME NEWSPAPER EDITORIALS ARE ACCEPTING THE INQUIRY DECISION AND, AS IN THE CASE OF THE OTTAWA CITIZEN, DESCRIBING THE CRTC AS THE "BEST AGENCY FOR THE JOB."

10. THE CBC IS A PECULIAR INSTITUTION IN CANADA, HAVING BEEN ESTABLISHED FOR THE POLITICAL PURPOSE OF FOSTERING CANADIAN UNITY AND IDENTITY AS WELL AS TO PROVIDE OPPORTUNITIES FOR NATIONAL SELF EXPRESSION GENERALLY. HISTORICALLY, THIS HAS INVOLVED CHALLENGES (REAL OR PERCEIVED) FROM THE COLOSSUS TO THE SOUTH. IT IS THUS IRONIC THAT PRESENT CHARGES OF FAILING TO PROMOTE NATIONAL UNITY DO NOT HAVE AN ANTI-U.S. MOTIVATION. ENDERS

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